

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMBAC ASSURANCE CORPORATION,
and THE SEGREGATED ACCOUNT OF
AMBAC ASSURANCE CORPORATION,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

Case No. 17-cv-2614-WHP

Hon. William H. Pauley III

**NOTICE OF U.S. BANK NATIONAL ASSOCIATION'S
MOTION TO STAY OR DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of U.S. Bank's Motion to Stay or Dismiss the Complaint, Declaration of Louis A. Chaiten in Support of U.S. Bank's Motion to Stay or Dismiss the Complaint, and all prior proceedings and matters of record in this case, Defendant U.S. Bank National Association, by and through its undersigned counsel, will move the Court before the Honorable William H. Pauley III, United States District Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, Courtroom 20B, for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure staying, or in the alternative dismissing, Plaintiffs' Complaint, and granting such other and further relief as the Court deems just and proper under the circumstances.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order entered August 11, 2017 (ECF No. 36), any opposing papers shall be served and filed by October 13, 2017, and any reply papers shall be served and filed by October 27, 2017.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order, oral argument on U.S. Bank's Motion to Stay or Dismiss the Complaint will be conducted on November 17, 2017 at 12:00 p.m.

Dated: September 15, 2017

Respectfully submitted,

By: /s/ Louis A. Chaiten
David F. Adler
Louis A. Chaiten
Shimshon Balanson (*pro hac vice*
application forthcoming)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
(216) 586-3939; (216) 579-0212 (fax)
dfadler@jonesday.com
lachaiten@jonesday.com
sbalanson@jonesday.com

Michael T. Marcucci
JONES DAY
100 High Street, 21st Floor
Boston, Massachusetts 02110-1781
(617) 960-3939; (617) 449-6999 (fax)
mmarcucci@jonesday.com

Andrew S. Kleinfeld
JONES DAY
250 Vesey Street
New York, NY 10281-1027
(212) 326-3939; (212) 755-7306 (fax)
askleinfeld@jonesday.com

*Attorneys for Defendant U.S. Bank National
Association*

CERTIFICATE OF SERVICE

I, Louis A. Chaiten, certify that on September 15, 2017, I caused the foregoing Notice of U.S. Bank National Association's Motion to Stay or Dismiss the Complaint to be filed with the Clerk of the Court and served on all counsel of record by electronic delivery via the ECF system.

/s/ Louis A. Chaiten

Louis A. Chaiten